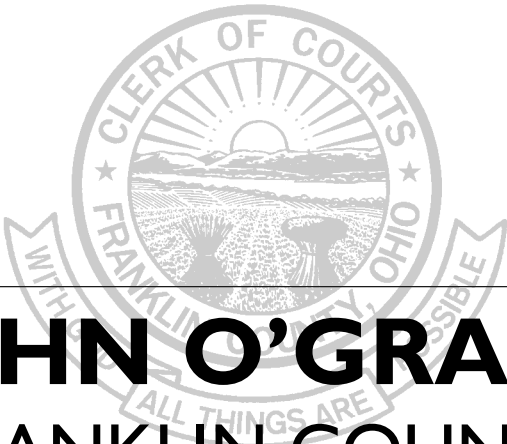




FRANKLIN  
COUNTY CLERK  
OF COURTS



# **A GUIDE TO THE CLERK OF COURTS LEGAL OPERATIONS**



**JOHN O'GRADY**  
FRANKLIN COUNTY  
CLERK OF COURTS

## A LITTLE HISTORY



The Office of the Clerk of Courts traces its origin from the medieval *cleric* who maintained the records, was responsible for correspondence, and had powers to issue writs and other processes ordered by the court. The cleric was generally one of the few educated persons in the community.

In creating a state judicial system, the 1802 Ohio State Constitution provided for the appointment of a clerk of courts for each county. Originally, the judges of the court of common pleas appointed the clerk of courts for a seven-year term. Under the 1851 Constitution, the office became elective for a three-year term that was extended to four years in 1936.



William Henry Harrison, ninth President of the United States, was appointed Hamilton County Clerk of Courts in May, 1836 and held the office when he was elected president in 1840. Check the back of the booklet for a list of officials who have served as Franklin County Clerk of Courts, from 1803 to the present.



## *THE CLERK'S OFFICE*

The Franklin County Clerk of Courts is the official record keeper for the Franklin County Common Pleas Court and for the Tenth District Court of Appeals. These



courts are the highest volume trial and appellate courts, respectively, in the State of Ohio.

The General Division of the Common Pleas Court hears civil cases in which the damages claimed or the amount in controversy exceeds \$15,000, as well as serious criminal offenses categorized under state law as felonies. The General Division also

decides qualifying appeals from administrative decisions and orders rendered by state and local government agencies. The Domestic Relations Division of the Common Pleas Court and its Juvenile Branch exercise jurisdiction over family law issues, including: divorce, dissolution, legal separation, child custody and support, paternity, delinquency, unruliness, truancy, dependency, neglect, and juvenile traffic offenses.

The Tenth District Court of Appeals hears appeals from final judgments rendered by the judges of either division of the Franklin County Common Pleas Court, the Franklin County Municipal Court and the Ohio Court of Claims. The Court of Appeals also has original jurisdiction to hear certain equitable actions like petitions for mandamus or prohibition in which a citizen seeks to require a public official or body to act in accordance with its statutory duty or to refrain from acting contrary to that duty.



## WHAT WE DO

The primary responsibilities of the Clerk of Courts include receiving, docketing, indexing, certifying and preserving the pleadings, court orders and other legal documents that are filed with the various courts served by the Clerk. The Clerk of Courts also serves court papers as required by law and as directed by the parties, furnishes preliminary case schedules and notices of hearings, and issues such writs as summonses, subpoenas, warrants and executions. Deposits of money to cover court costs, fines, fees and restitution are received, accounted for and disbursed by the Clerk of Courts according to statute and court order. These responsibilities are carried out within the Clerk's office by the appellate, criminal, civil, records, domestic relations and juvenile divisions. Additional information about our divisions is included in this booklet.



The Clerk of Courts' other primary responsibility is the issuance of Certificates of Title for automobiles, boats and trailers. Certificates of Title are the State's official proof of ownership. The Title Division operates four branch offices to provide greater convenience to the public. Additional information concerning title requirements and fees is available in a separate brochure.



The Clerk of Courts office is staffed by over 240 trained deputy clerks, who assist the Clerk in performing the statutory duties. The Clerk of Courts is responsible for over 180 million dollars in titling and legal fees each year. The Title Division processes over 675,000 titles annually— more than any other county in the State of Ohio.

The public records maintained by the Clerk of Courts are available for public inspection during normal business hours.

You can access our web site, [www.franklincountyclerk.com](http://www.franklincountyclerk.com), for a complete list of Frequently Asked Questions and downloadable forms for each section.

## ***CRIMINAL SECTION***

369 S. High Street, 3rd Floor  
Columbus, OH 43215  
(614) 462-3650  
Hours: Monday-Friday 8am to 5pm

The Criminal Division of the Franklin County Clerk of Courts is responsible for managing and retaining records in felony cases. The Criminal Division also processes documents filed in fugitive from justice cases, **extraditions** from other states and **expungements**.

Felony prosecutions begin in the Common Pleas Court with the filing of either an indictment issued by the Franklin County **Grand Jury** or information by the prosecuting attorney for the county or the Ohio Attorney General.

An adult suspected of committing a felony can be arrested on a complaint and warrant filed in the Franklin County Municipal Court. In that instance, the accused will initially appear before a Municipal Court judge for consideration of bond and the scheduling of a preliminary or **bind-over** hearing in which a judge considers whether evidence presented by the prosecution establishes probable cause to believe the accused has committed the offense charged in the complaint. Also an older juvenile accused of an offense that would be a felony if committed by an adult can, at the request of the prosecuting attorney, be bound over for trial as an adult if a Juvenile Court judge finds probable cause to believe the juvenile committed the alleged offense and further finds that the accused is not amenable to rehabilitation within the juvenile corrections system.



Bond set for purposes of a bind-over hearing will generally be continued until the grand jury has the opportunity to consider evidence and hand down an indictment. Also, after an indictment, an accused who receives a summons and appears in court for arraignment will usually qualify for a **recognizance bond**. **Arraignments** are held three times a week in Common Pleas Court on Mondays, Wednesdays and Fridays. A duty magistrate or judge presides over the arraignments and sets the bond to be posted for the accused to qualify for release from confinement pending trial.

Bonds in all felony cases are posted with the Criminal Division. To allow time for the Sheriff's office to transport prisoners to the clerk's office to sign bond papers, the bonds must be posted by 4:00 p.m. for release the same day. An accused who makes bond will then be returned to the Franklin County jail and released from that location.

All information regarding felony cases is open to the public except for information relating to Grand Jury proceedings, records that have been expunged, and the content of law enforcement and probation department investigative files. A research area with computer terminals and printers is available to facilitate research and copies of documents can be obtained for a minimal charge.



## *CIVIL SECTION*

369 S. High Street, 3rd Floor  
Columbus, OH 43215  
(614) 462-3621  
Garnishment Desk (614) 42-4208  
Court Cost desk (614) 462-4662  
Hours Monday-Friday 8am to 5pm

The Civil Section is responsible for the legal documents and payments filed in civil cases in the Franklin County Court of Common Pleas. A civil case is different from a criminal case in that civil cases seek to enforce or protect the private rights of individuals. Most wrongs involving civil complaints are compensable by money damages, but in special situations the Court may issue orders forbidding an individual from taking certain actions or commanding an individual to fulfill an obligation. Complaints or notices of appeal from a decision rendered by the State or County government are also filed in the Civil Section (unless statute dictates the case is to be filed with the Court of Appeals).

When the action is filed, a judge and a case number are assigned, and a summons is issued to be served upon the defendants, established by court rule. The Clerk will collect the appropriate deposit as security for court costs. After the case has commenced, all subsequent pleadings are also filed with the Civil Section. Throughout the life of a case, the Clerk assesses court costs according to a schedule of fees authorized by statute.

The Clerk's Civil Section can facilitate enforcement of a civil judgment at the request of the prevailing party. Examples of procedures to enforce judgments are:

- *Certificate of Judgment Lien* – An official document issued by the Clerk that certifies the existence and amount of a judgment rendered by the court. When filed, the Certificate of Judgment creates a lien upon the defendant's property.
- *Writ of Execution* - An order of the court authorizing seizure of real and/or personal property.
- *Garnishment* - Procedure allowing a creditor to collect their judgment directly from the defendant's wages, bank account, or other sources such as income tax refunds.

The Clerk maintains the records for the Court of Common Pleas. The record includes the docket and the index of all litigants involved in a civil action. These are public records available for inspection during normal office hours.

Other duties and services include:

- *Registering of Notary Public Commissions* – The State of Ohio issues Notary public commissions. Applications and instructions for taking the test to become a Notary Public may be obtained by contacting the Columbus Bar Association ([www.cbalaw.org](http://www.cbalaw.org)). Before performing any official duties, the Notary must record and file the commission with the Clerk of Courts in his or her county of residence. In Franklin County, the commission may be recorded at the Clerk of Courts' Civil Section or at any of the Auto Title branch offices.



- *Passport Agents* -The Franklin County Clerk of Courts is authorized to process applications on behalf of the United States Passport Services. You can obtain a passport application from the Clerk's office. Return the completed form, along with proof of U.S. citizenship (birth certificate or an acceptable substitute), proof of identity (previous passport, driver's license) and two passport photographs.



If the proof of identity, citizenship evidence, and the two passport photographs are in order, upon payment of the fees, this office will forward the documents to Passport Services. You will receive your passport by mail from Passport Services.

- *Hunting and Fishing Licenses* - The Clerk of Courts issues new licenses and replacements for lost, stolen, or destroyed licenses at the Civil Section Records Division or Auto Title branch offices. New hunting and fishing licenses can be obtained at any number of authorized outlets throughout the state, but only the Clerk of Courts can issue a replacement.

The Franklin County Clerk of Courts' web site, [www.franklincountyclerk.com](http://www.franklincountyclerk.com), contains a list of Frequently Asked Questions and the necessary documents for filing in the Civil Section

## *RECORDS ROOM*

369 South High Street, 3rd Floor  
Columbus, Ohio 43215

(614) 462-3625

Hours: Monday-Friday 8:00 A.M. to 5:00 P.M.

The Records Room serves as public access for current and past civil, criminal and domestic relations case histories. Computer terminals are available to access Court docket activity and judgments. Case files and microfiche records are retained here to allow for document viewing and copying.



## ***DOMESTIC RELATIONS SECTION***

373 South High Street, 4th Floor

Columbus, Ohio 43215

(614) 462-4410

Hours: Monday-Friday 8:00 A.M. to 5:00 P.M.

The Domestic Relations Section is responsible for maintaining records for the Domestic Relations Court. The types of cases filed are divorces, dissolutions, legal separations, annulments, and domestic violence actions (civil protection orders). The Clerk's office also processes domestic cases transferred from another county to Franklin County in a **pre-decree** status.

The Clerk's office provides copies and certification of Court documents, filings or pleadings in Domestic cases. Fees may be required. A current fee schedule is available in the Clerk's office.

The Franklin County Clerk of Courts' web site, [www.franklincountyclerk.com](http://www.franklincountyclerk.com), contains a list of Frequently Asked Questions and the necessary documents for filing in the Domestic Relations Section.



## ***JUVENILE SECTION***

373 South High Street, 4th Floor

Columbus, Ohio 43215

(614) 462-4411

Hours: Monday-Friday 8:00 A.M. to 5:00 P.M.

The Juvenile Section of the Franklin County Clerk of Courts office is responsible for managing and retaining records on a variety of cases involving juveniles. The majority of these cases are delinquency or unruly cases and cases involving the abuse, neglect, or dependency of a minor, as well as parentage actions and cases relating to custody, visitation, and child support. The Juvenile Section office also handles divorce cases certified from another jurisdiction and in post-decree status.

The Juvenile Section may provide to the public certified copies of parentage cases. Because juvenile records are not public record, we may only provide copies of juvenile records to parties and attorneys on the case. A given file may be viewed, however, upon approval of the Court.





All delinquency or unruly filings against juveniles are initiated in the intake department at 399 S. Front St. A prosecutor, intake worker and/or a probation officer will make the determination whether the case should be handled formally or informally. The paperwork then is filed with the Juvenile Section.

If a juvenile is allegedly abused, neglected, or dependent, Protective Services or Franklin County Children's Services should be contacted. If it is determined that a complaint for abuse, neglect, or dependency should be filed, the Protective Services Department may assist in the filing of the action with the Juvenile Clerk of Courts' office. Protective Services also assists in the filing of "Consent to Marry" cases and specific adult criminal cases involving juveniles such as "Interference with Custody" and "Contributing to the Delinquency of a Minor" cases.



If parentage needs to be determined, the Child Support Enforcement Agency should be contacted. The Child Support Enforcement Agency (CSEA) will collect the necessary information, put together the paperwork and, depending on the circumstances, file a parentage action with the Juvenile Clerk of Courts office. Parties may also retain private counsel to file a parentage action. A \$75.00 filing fee applies to parentage actions filed with the Clerk of Court's office.

If you choose to pursue a custody or visitation action without counsel, you will need to obtain the necessary affidavits from the Juvenile Clerk of Courts' office and refer to the "Ohio Rules of Civil Procedure" or the "Juvenile Rules", whichever is applicable. If you want to pursue custody and there is currently an abuse, neglect, or dependency action pending, you may contact the Protective Services Department to see if they can assist you in the filing of a custody motion.

## ***JUVENILE TRAFFIC SECTION***

399 South Front Street  
Columbus, Ohio 43215  
(614) 462-5279

Hours: Monday-Friday 8:00 A.M. to 5:00 P.M.

The Juvenile Traffic section collects fines with tickets issued for moving and non-moving violations. The ticket window, where traffic related fines may be paid in person, is on the first floor inside the Front Street entrance.

**FINES AND TRAFFIC COURT-** Moving violations such as speeding (under 20 miles over speed limit), running a red light, or improper passing are usually\* handled as follows:

- 1st offense - pay fine
- 2nd offense - juvenile must appear in Court
- Guilty plea - pay fine
- Not guilty plea - return to Court at later date for Trial
- 3rd offense - one year suspension of drivers license
- Non-moving violations such as expired tags, loud muffler, failure to use seat belt, or jaywalking are usually penalized with a fine.

\* these are general guidelines, and may not pertain in every situation. Offenses such as DWI or driving without an operator's license will necessitate a court appearance.



## APPEALS SECTION

373 South  
High Street, 23rd Floor  
Columbus, Ohio 43215  
(614) 462-3624  
Hours: Monday-Friday 8:00 A.M. to 5:00 P.M.

There are twelve districts of Appellate Courts throughout the State of Ohio—each district has jurisdiction over one or more counties. The Tenth District Court of Appeals is the appellate court for Franklin County.

An Appeal is a process brought forth by a party asking the Appellate Court to review a final appealable order rendered by the Trial Court. The Appellate Division accepts appeals from Common Pleas Court and Municipal Court.

### ORIGINAL ACTIONS

An Original Action is commenced by the filing party, requesting the Court to issue a Writ. A Writ is an order of the Court, issued by the Clerk, commanding the Sheriff to execute an order against the party referenced.



Some examples of these actions are as follows:

- *Petition for a Writ of Mandamus* - A Writ stating that the Court is ordering a person, usually a public official, to do something within a specified time.
- *Habeas Corpus* - A Writ commanding a person (usually the Superintendent of a penal institution) who detains another to be brought before the Court so that the Court may inquire into the legality of the restraint, imprisonment or deprivation of liberty regarding that person.
- *Procedendo* - Issuance of a Writ to an inferior Court directing that Court to proceed with a case so that a judgment may be rendered.

## **NOTICE OF APPEALS**

A Notice of Appeal must be filed within thirty (30) days of the Judgment Entry issued by a Trial Court.

By rule, a Notice of Appeal filed with the clerk of the trial court, with a copy also filed with the clerk of the appellate court. However, if a Judgment is from the Municipal Court, the Notice of Appeal is filed first with the Trial Court.

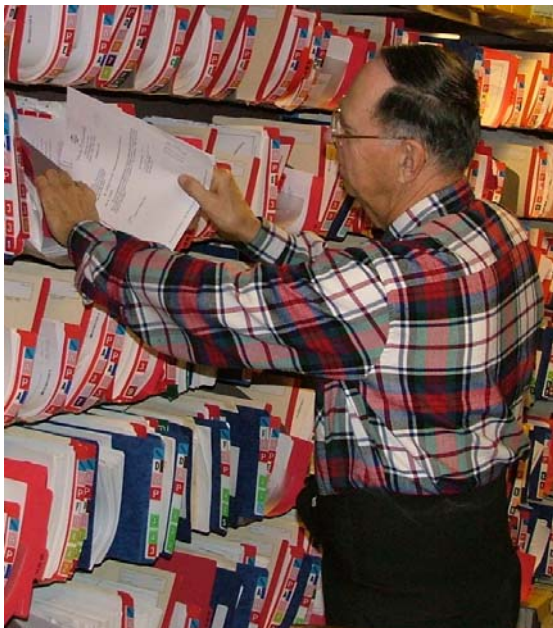
## **AFTER AN APPEAL IS FILED**

Upon the filing of a Notice of Appeal, the Clerk will receive the transcript of the record along with any other necessary documents. The matter will be set for hearing in the Court of Appeals and the Clerk will notify all involved of the briefing schedule and the hearing date.

## **AFTER A JUDGMENT IS RENDERED**

After the Court of Appeals issues a ruling, the Judgment is filed in the Clerk's office. Any further appeal would then be filed with the Supreme Court of Ohio within 45 days.

## **COST OF AN APPEAL**



The filing fees for a notice of appeal / mandamus are deposited at the time of filing. When the case is closed a final cost bill is generated with final Court costs of any journal entries signed by a judge, then mailed to the party per judgment entry. A current fee schedule is available in the Clerk's Court of Appeals office.



## GLOSSARY OF LEGAL TERMS

**Arraignment** To call (a defendant) before a court to answer to an indictment. The formal appearance of an accused person to hear, and to receive a copy of, the charge against him or her, in the presence of a judge, and to then enter a plea of guilty or not guilty. The arraignment is the final preparatory step before the criminal trial.

**Bindover** A criminal proceeding in Municipal or Juvenile Court that is transferred to the Common Pleas Court if determined that the Common Pleas Court is the court of jurisdiction.

**Decree** An order having the force of law.

**Defendant** The person against whom a lawsuit is filed. In certain states, and in certain types of lawsuits, the defendant is called the respondent.

**Docket** A formal abridged record of the proceedings (as motions, orders, and judgments) in a legal action.

**Expungement** To intentionally destroy, obliterate or strike out records or information in files, computers and other depositories. For example, state law may allow the criminal records of a juvenile offender to be expunged when he/she reaches the age of majority, to allow him to begin his/her adult life with a clean record.

**Extradition** The surrender of an alleged criminal usually under the provisions of a treaty or statute by one authority (as a state) to another having jurisdiction to try the charge.

**Felony** A crime sufficiently serious to be punishable by death or a term in state or federal prison, as distinguished from a misdemeanor which is only punishable by confinement to county or local jail and/or a fine.

**Garnishment** A legal summons or warning concerning the attachment of property to satisfy a debt, or a stoppage of a specified sum from wages to satisfy a creditor.

**Grand jury** In criminal cases, a group that decides whether there is enough evidence to justify an indictment (formal charges) and a trial. A grand jury indictment is the first step, after arrest, in any formal prosecution of a felony.

**Indictment** a charge of a felony (serious crime) voted by a Grand Jury based upon a proposed charge, witnesses' testimony and other evidence presented by the public prosecutor (District Attorney). To bring an indictment the Grand Jury will not find guilt, but only the probability that a crime was committed, that the accused person did it and that he/she should be tried.

**Lien** A charge upon real or personal property for the satisfaction of some debt or duty ordinarily arising by operation of law.

**Praecipe** A written order requesting a clerk of a court to issue a writ and specifying the contents of the writ.

**Recognizance bond** Bond that requires no money to be posted by the defendant; it permits release simply on the defendant's signature promising to appear.





# FRANKLIN COUNTY CLERKS OF COURTS OF COMMON PLEAS

Lucas Sullivant	1803-1810
Lyne Starling	1810-1815
Abram I. McDowell	1815-1836
Elijah Backus	1836-1838
Lyne Starling, Jr.	1838-1846
Thomas Kendall	1852-1855
Alfred Buttles	1855-1858
James Bryan	1858-1859
James H. Smith	1859
James W. Smith	1859-1862
David W. Brooks	1862
Thomas S. Shepard	1862-1868
Jasper Lowenstein	1868-1871
James S. Abbott	1871-1877
Harvey Cashatt	1877-1883
John J. Joyce	1883-1889
Theodore Beck	1889-1890
William H. Simonton	1890-1894
Charles F. Galloway	1894-1900
John W. McCafferty	1900-1905
Howard C. Park	1905-1911
John B. Miles	1911-1917
Guy R. Winegarner	1917-1921
Harold O. Gockenbach	1921-1923
Frank L. Holycross	1923-1925
Harold O. Gockenbach	1925-1927
Charles E. King	1927-1937
J. Arthur Yoder	1937-1947
William Berkhemer	1947-1948
Russell Campbell	1948
Roy King	1949-1958
Frank Smith	1958
Robert Metzger	1959-1960
Joseph M. Clifford	1961-1970
Thomas J. Enright	1971-1994
Jesse Oddi	1994-1998
William Shimp	1998
Virginia Barney	1998-2000
Thomas Lindsay	2000
John O'Grady	2001-present